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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/645,753	08/24/2000	Hirofumi Takei	1232-4640	3625
27123	7590	05/30/2006		
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER WHIPKEY, JASON T	
			ART UNIT 2622	PAPER NUMBER

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/645,753

Applicant(s)

TAKEI, HIROFUMI

Examiner

Jason T. Whipkey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12, 25, 27, 28 and 31 is/are allowed.
- 6) ☒ Claim(s) 13, 14, 16-19, 26, 29 and 30 is/are rejected.
- 7) ☒ Claim(s) 15 and 20-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed November 28, 2005, with respect to claims 1-12, 15, 20-25, 27, 28, and 31 have been fully considered and are persuasive. The rejection of these claims has been withdrawn.

2. Applicant's arguments with respect to claims 13, 14, 16-19, 26, 29, and 30 have been considered but are moot in view of the new grounds of rejection.

Drawings

3. The drawings were received on March 9, 2006. These drawings are approved.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 13, 14, 16-19, 26, 29, and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Hata (U.S. Patent No. 6,700,614).

Regarding **claims 13 and 26**, Hata discloses an image sensing apparatus (see Figure 1) comprising:

an image sensing device (CCD 103) that senses an optical image of an object and converts the optical image into an image signal to be used for photographing (see column 3, lines 25-26);

a signal forming device (AF evaluated value circuit 1081; see Figure 3 and column 4, line 61, through column 5, line 2) that forms a signal used for focusing on the basis of the image signal (using extracted luminance data Y) obtained from said image sensing device; and

a control device (CPU 121), for each vertical scanning period (see Figure 11A), that repeatedly emits light (see Figure 11D) for assisting signal forming operation performed by said signal forming device (see Figure 11B) for a light-emission time period that is within and in accordance with a charge accumulation time (flash tube Xe emits light during the CCD integration period; see column 8, lines 16-20) of said image sensing device in each vertical scanning period (see column 8, lines 20-32).

Regarding **claim 14**, Hata discloses:

the charge accumulation time of said image sensing device is an image sensing period for the image signal to be used for photographing (see column 8, lines 20-32).

Regarding **claim 16**, Hata discloses:

said control device repeatedly emits the light at a period of image sensing operation of said image sensing device corresponding to a vertical scanning period (as shown in Figure 11, the flash timing is performed periodically and corresponds to vertical synchronizing signal VD).

Regarding **claim 17**, Hata discloses:

said control device repeatedly emits the light at a period of image sensing operation of said image sensing device corresponding to a period of a vertical synchronization signal (as shown in Figure 11, the flash timing is performed periodically and corresponds to vertical synchronizing signal VD).

Regarding **claim 18**, Hata discloses:

said control device does not emit the light for a predetermined period at the period of image sensing operation by said image sensing device (as shown in Figure 11, the flash timing remains consistent relative to the vertical synchronizing signal VD).

Regarding **claim 19**, Hata discloses:

said control device does not emit the light at least for a predetermined period at the period of image sensing operation of said image sensing device (as shown in Figure 11, the flash timing remains consistent relative to the vertical synchronizing signal VD).

Claim 29 may be treated like claim 13. Additionally, Hata discloses that CPU 121 executes a program stored in ROM to operate the camera (see column 3, lines 53-58).

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Regarding **claim 30**, a ROM (see *id.*) is a storage medium.

Allowable Subject Matter

6. Claims 1-12, 25, 27, 28, and 31 are allowed.

Regarding **claims 1-12, 25, 27, and 28**, no prior art could be located that teaches or fairly suggests an image sensing apparatus that forms a signal for focusing using an image sensing device and an emitted light, wherein the emission time period *changes* in accordance with a charge accumulation time of the image sensing device.

Regarding **claim 31**, no prior art could be located that teaches or fairly suggests an image sensing apparatus that forms a signal for focusing using an image sensing device and an emitted light, wherein the emission period is *in synchronization with* the start of charge accumulation time.

7. Claims 15 and 20-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding **claim 15**, no prior art could be located that teaches or fairly suggests an image sensing apparatus that forms a signal for focusing using an image sensing device and an emitted light, wherein the emission period is *in synchronization with* the image sensing operation of the image sensing device.

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Regarding **claims 20-24**, no prior art could be located that teaches or fairly suggests an image sensing apparatus that forms a signal for focusing using an image sensing device and an emitted light, wherein the emission time period *changes* in accordance with a charge accumulation time of the image sensing device.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Kakinuma (U.S. Patent No. 6,744,471) discloses an electronic camera that flashes its strobe once per vertical scanning period.

9. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Whipkey, whose telephone number is (571) 272-7321. The examiner can normally be reached Monday through Friday from 9:00 A.M. to 5:30 P.M. eastern daylight time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz, can be reached at (571) 272-7593. The fax phone number for the organization where this application is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTW

JTW

May 22, 2006


TUAN HO
PRIMARY EXAMINER